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June 27, 2025

**VIA ECF**

Honorable James R. Cho  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Charles Saldarriaga v. City of New York, et al.,  
25-CV-1115 (RPK)(JRC)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and the attorney assigned to the defense in the above-referenced matter.<sup>1</sup> Defendants City of New York, Sergeant Detective William J. Planeta, and Detective Eric Bolger (“Defendants”) write to respectfully request that the Court hold in abeyance their time to answer or respond to Plaintiff’s Complaint, from July 14, 2025 until forty-five (45) days after Defendants’ pending motion to compel and Plaintiff’s pending motion for a protective order have been decided. This is the second request for the Court to stay Defendants’ time to answer or respond.<sup>2</sup> Plaintiff consents to this request.

By way of background, *pro se* Plaintiff Charles Saldarriaga alleges, *inter alia*, that on March 27, 2024, he was falsely arrested and maliciously prosecuted by members of the New York City Police Department. (*See* ECF No. 1). On June 13, 2025, Defendants filed a motion to compel Plaintiff to execute a § 160.50 release. (ECF No. 15). On June 25, 2025, Plaintiff filed an opposition to the motion to compel and a motion for a protective order. (ECF Nos. 18, 19). On

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<sup>1</sup> This case is assigned to Assistant Corporation Counsel (“ACC”) Michael Futral, who is presently awaiting admission to the Eastern District of New York and is handling this matter under my supervision. Mr. Futral may be reached directly at (212) 356 – 1643 or by email at [mifutral@law.nyc.gov](mailto:mifutral@law.nyc.gov).

<sup>2</sup> Additionally, Defendants have twice before moved to extend the time to answer or otherwise respond to Plaintiff’s Complaint, the first of which was granted and the second of which was granted in part. (*See* ECF Nos. 8, 12).

June 26, 2025, Your Honor Ordered an in-person hearing to take place on July 21, 2025. However, Defendants' current deadline to answer or respond to the Complaint is July 14, 2025.

Defendants respectfully request the Court to hold in abeyance Defendants' time to answer or otherwise respond to Plaintiff's Complaint for two reasons. First, the production of Plaintiff's § 160.50 is essential for Defendants' ability to defend this action and meet their obligations under Rule 11 of the Federal Rules of Civil Procedure. As noted in Defendants' motion to compel, courts in this Circuit have consistently held that production of a § 160.50 should be produced prior to a defendant's answer where, like here, a plaintiff is challenging their underlying arrest. *See e.g., Cabbie v. Rollieson*, No. 04 Civ. 9413 (FM), 2006 U.S. Dist. LEXIS 7385, at \*24-25 (S.D.N.Y. Feb. 26, 2006). Because both motions will be addressed at the July 21, 2025 in-person conference, staying the deadline to answer will provide Defendants the opportunity to fully present and defend their motion.

Second, the request to hold the deadline in abeyance until forty-five (45) days after the pending motions have been decided is made because, as a general matter, once a properly executed § 160.50 release is obtained, it takes approximately thirty (30) days to receive the full breadth of sealed records from the relevant entities. Once received, additional time will then be required to review and evaluate the records in order to prepare a meaningful response.

Accordingly, for the reasons explained above, Defendants respectfully request that the Court stay the time to answer or respond to Plaintiff's Complaint, from July 14, 2025, until forty-five (45) days after the pending motions have been decided.

Defendants thank the Court for its time and consideration herein.

Respectfully submitted,

*Joseph Zangrilli* /s/

Joseph Zangrilli

Senior Counsel

Special Federal Litigation Division

Cc: **VIA ECF & FIRST CLASS MAIL**

Charles Saldarriaga

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